

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
FILE NO. 4:14 CV 00225-F

DONNA R. SANTIFORT,	)	
Plaintiff,	)	
vs.	)	<b>MOTION TO DISMISS IN LIEU</b>
	)	<b>OF ANSWER OF DEFENDANTS</b>
SUE GUY, in her personal capacity, LEE	)	<b>GURLEY, KEEN AND WAYNE</b>
SMITH, in his personal capacity, JOE	)	<b>COUNTY</b>
GURLEY, in his personal capacity, STEVE	)	<b>(F. R. Civ. P. 12(b)(6))</b>
KEEN, in his personal capacity, and	)	
COUNTY OF WAYNE, NORTH	)	
CAROLINA,	)	
Defendants.	)	

NOW COME Defendants, Joe Gurley, Steve Keen and Wayne County ("Defendants"), by and through the undersigned counsel, in lieu of an Answer, and hereby respectfully move this Court for an order dismissing the claims against them, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

In support of this Motion, Defendants submit that Plaintiff has failed to state a claim upon which relief can be granted, and direct this Court's attention to the Memorandum in Support of this Motion, filed contemporaneously herewith.

WHEREFORE, Defendants hereby move this Court for an order dismissing them from this suit pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Respectfully submitted this 10<sup>th</sup> day of February, 2015.

By: /s/Scott C. Hart  
State Bar No. 19060  
/s/ Anakah D. Harrison  
State Bar No. 35329  
Attorneys for Defendants Wayne County, Gurley and Keen  
Sumrell, Sugg, Carmichael, Hicks & Hart, P.A.  
Post Office Drawer 889  
New Bern, North Carolina 28563  
Telephone: (252) 633-3131  
E-mail: [shart@nclawyers.com](mailto:shart@nclawyers.com)

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the **MOTION TO DISMISS IN LIEU OF ANSWER OF DEFENDANTS GURLEY, KEEN and WAYNE COUNTY** was electronically filed with the Clerk of Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

Walter S. Webster  
The Webster Law Firm  
214 South William St., Suite 2  
Goldsboro, NC 27530

This the 10<sup>th</sup> day of February, 2015.

By: /s/Scott C. Hart  
State Bar No. 19060  
Attorneys for Defendants Wayne County, Gurley and Keen  
Sumrell, Sugg, Carmichael, Hicks & Hart, P.A.  
Post Office Drawer 889  
New Bern, North Carolina 28563  
Telephone: (252) 633-3131  
Fax: (252) 633-3507  
E-mail: [shart@nclawyers.com](mailto:shart@nclawyers.com)

\\SERVER04\lssdocs\00000023\00057354.000.DOCX